IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1991 OF 2005

Maruti Tanaji Raskar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Pratap Patil for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 28, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. There is evidence to indicate complicity of the Applicant in the commission of the crime and the offence being serious one, not a case for bail. I see no reason to depart from the conclusion reached by the lower Court in rejecting the Applicant’s prayer for bail.

3. Counsel for the Applicant vehemently argued that the Investigating Officer had recorded one dying declaration in the earlier point of time, which is not forthcoming. However, as is rightly observed by the lower Court in the order that, that is a matter for trial. The fact whether the first dying declaration exists as asserted by the Applicant, will have to be tested at the trial. For the time being, the dying declaration as well as the spot panchnama and the recovery of glass bottle at the instance of the Applicant, is good material to refuse prayer for bail. Hence, dismissed.

4. As prayer for bail is rejected, Trial Court is directed to dispose of the trial expeditiously, as ‘High Court Expedited Case".

5. Application disposed of on the above terms.

A.M.KHANWILKAR, J.